

REMARKS

Claims

Claims 1 – 20 have been examined. Claim 8 has previously been canceled; Claims 1 – 5 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Pat. No. 5,277,350 (“Thornbury”); Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as unpatentable over Thornbury in view of U.S. Pat. No. 5,868,348 (“Bulman”); Claims 9 – 12, 14, and 17 – 20 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. Publ. No. 2001/0029814 (“Tiano”) in view of Thornbury; Claim 13 and 15 stands rejected under 35 U.S.C. §103(a) as unpatentable over Tiano in view of Thornbury, and further in view of Bulman; and Claim 16 stands rejected under 35 U.S.C. §103(a) as unpatentable over Tiano in view of Thornbury, and further in view of admitted prior art.

Claims 1 – 7

Independent Claim 1 stands rejected over Thornbury. The applicant has amended Claim 1 to make explicit what was previously implicit: that the column itself mechanically and detachably engages the other portion of the tool. Thornbury does not teach a tool that requires a column to mechanically engage another portion of the tool. Instead, Thornbury teaches two parts of a tool, albeit one part having a column, that engage each another. In Claim 1, it is now even more clear that the column itself must engage the other portion of the tool, and do so mechanically.

Independent Claim 1 is thus believed to be patentable over the cited art. Claims 2 - 7 depend from Claim 1 and are therefore also believed to be patentable by virtue of their dependence from a patentable claim.

Claims 9 – 20

Claims 9 and 17 stand rejected over Tiano in view of Thornbury. The Office Action acknowledges that Tiano fails to teach or suggest the limitation of Claim 9 requiring

“separating one of the flanges from the column to release the spooled filament” (Office Action, p. 5, ll. 17 - 19). It also acknowledges that Tiano fails to teach or suggest the limitation of Claim 17 requiring a “means for removing the means for confining to release the spooled filament from the longitudinal region” (Office Action, p. 8, ll. 7 - 8). The Office Action instead proposes to combine the teachings of Tiano with the teachings of Thornbury to render Claims 9 and 17 obvious.

Notably, Thornbury also fails to teach or suggest the quoted limitations of Claims 9 and 17. In fact, neither Tiano or Thornbury discuss, in any capacity whatsoever, releasing filament or any other material from their respective inventions. Furthermore, Claims 9 and 17 have been amended to make explicit what was previously implicit regarding the structure of the invention as described above regarding Claim 1.

“To establish *prima facie* obviousness ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings ... [and] the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 2143. However, “[t]he level of skill in the art cannot be relied upon to provide the suggestion to combine references.” MPEP 2143.01.

As described above, neither Tiano nor Thornbury teach releasing filament. The Office Action states that it would have been obvious to one of ordinary skill in the art to combine Tiano and Thornbury to allow Tiano to be used in its normal fashion to allow the spool to be emptied. However, Tiano is notably silent regarding emptying the spool. The proposal in the Office Action amounts to speculation unsupported by the disclosure of the prior art. Indeed, an equally valid speculation is that Tiano in its normal fashion would not encompass emptying the spool at all, instead having the spool be disposable after use, with wound filament still wrapped on the spool at the time of disposal. Likewise, Thornbury does not teach or suggest releasing filament. The only reason for the removal of one of the flanges in Thornbury is to allow for attachment of a different winding mechanism, not disposal of a filament.

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PATENT


Since the cited art fails to disclose at least one of the limitations of Claims 9 and 17 they are believed to be patentable. Claims 10 - 16 and 18 - 20 depend from Claims 9 and 17 and are therefore also believed to be patentable by virtue of their dependence from patentable claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb

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